



TOWN OF TEWKSBURY BOARD OF HEALTH

Raymond Barry, Chairman
Charles Roux, Vice Chair
Christine Kinnon, Clerk
Kathleen M. Brothers
Phillip L. French

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES August 20, 2015

The meeting was called to order by Raymond Barry, Chairman, at 6:07 p.m. at the Tewksbury Senior Center. Present at the meeting were Charles Roux, Vice-Chairman, Christine Kinnon, Clerk, Kathleen Brothers, Phillip French, and Lou-Ann Clement, Board of Health Director.

Public Hearings

**Variance from 105 CMR 590.00 Minimum Sanitation Standards for Food Establishments
State Sanitary Code Article X and the Federal Food Code Section 3-502.11**

**Location: Koyto Restaurant, 1487 Main Street, Tewksbury
Applicant: Yu Hong Lin, Owner**

MOTION: Ms. Brothers made the motion to open the public hearing; seconded by Ms. Kinnon and the motion unanimously carried 5-0.

The legal notice was read aloud by Mr. Barry.

Ms. Clement explained that it was brought to her attention during an inspection that this establishment was serving sushi rice; which is considered amplified as an additive is being added. Under the minimum standards for food, and the Federal Food Code, a variance is required to do this. Ms. Clement noted that the applicant has submitted all necessary paperwork including evidence that the sushi is coming in at the proper PH levels according to the test results, testing equipment on site, a log, etc. Ms. Clement explained that sushi rice can be very hazardous if it is held out of temperature or is consumed with other raw and cooked foods.

Ms. Brothers asked why this was not addressed when the restaurant was first opened and Ms. Clement explained that she cannot answer this; however, there are a couple other establishments that will be before the Board on similar items.

Mr. Barry asked if Ms. Clement is comfortable with the PH meter that is being used and Ms. Clement noted that she is "okay" with it; however, it is not her favorite. The applicant noted that they would not be opposed to a different meter if Ms. Clement has a recommendation for one she

would prefer. Ms. Clement explained that for now it is doing the job; however, if it should break down, etc., the applicant should contact the Health Department for recommendations.

Ms. Kinnon referenced the letter of assurance for the parasite prevention for fish and other matters and asked if this is something different. Ms. Clement explained that it is done, but not always included in the member's packets. Ms. Clement explained that this means that the fish must be frozen and be maintained at a certain temperature in order to be served raw. Ms. Kinnon asked if the other sushi establishments have this as well and Ms. Clement confirmed this. Mr. Barry thanked the applicant for the additional information on this.

Mr. French asked if this requirement is something new and Ms. Clement explained that it is not something new and began 1999 when the food code was adopted.

Mr. Barry asked the applicant if there is anything else they would like to add and there was nothing.

MOTION: Ms. Brothers made the motion to grant a variance from 105 CMR 590.00 Minimum Sanitation Standards for Food Establishments for Koyoto Restaurant at 1487 Main Street; seconded by Ms. Kinnon and the motion unanimously carried 5-0.

MOTION: Ms. Brothers made the motion to close the public hearing; seconded by Ms. Kinnon and the motion unanimously carried 5-0.

New Business

Notice of Intent to prepare an Environmental Impact Statement for the Planned Northeast Energy Direct Project Request for comments; Federal Energy Regulatory Commission

Ms. Clement explained that this has been included in the member's packets to ensure they have been updated on the matter and are aware that the public hearings have ended. Ms. Clement noted that this has become such a hot topic that she felt it important that the Board be aware of what is going on. Ms. Clement explained that she is not sure if a comment issued by the Board would be read or addressed and asked if there is anything the Board would like her to do.

Discussion took place on whether there are any health related items as the result of this. Mr. Roux discussed the objective of the pipeline and the negative impacts on farms. Ms. Kinnon suggested the Board of Health be added to any statements issued by the Board of Selectmen or other town Board. Ms. Clement noted that she would be happy to write a letter, but she does not feel that the Board of Health should automatically be added to other Board's decisions.

Discussion took place on the location of the pipeline and other communities being affected and whether Tewksbury is still a part of the project.

Ms. Clement will research whether the town manager and/or Board of Selectmen have planned to prepare a statement regarding this.

It was the consensus of the Board members that at this time there is no need for a formal response on behalf of the Board of Health.

Approval of Meeting Minutes – March 20, 2014

Ms. Clement explained that the March 20, 2014 meeting was one where the tape recorder died and notes had to be relied on. Ms. Clement noted that she thought there was a motion or discussion about existing variances (big dipper, etc.) where they would have to comply with the regulation moving forward. Ms. Kinnon noted that she believes she was asking if they would be required to and not stating that they would be required to so, as a result, the sentence is incorrect. Mr. Barry noted that the discussion started by how many establishments are still using the “big dipper” and whether it is isolated or two or more. Ms. Clement noted that she believes there are three and explained that five years is allowed to comply and three years have passed. All restaurants must comply by March 20, 2019. Ms. Clement noted that a letter is sent out annually reminding businesses that this needs to be done. Mr. Barry noted that he believes it was just a general discussion.

Ms. Clement will remove the statement “Ms. Kinnon stated that all establishments will be required to comply”.

MOTION: Ms. Kinnon made the motion to approve the March 20, 2014 meeting minutes as amended; seconded by Ms. Brothers and the motion carried 5-0.

Old Business

Proposed Amendments Chapter 1

Proposed Amendments Chapter 2

Proposed Amendments Chapter 3

Mr. Barry explained that the Board has been working towards reviewing all of the town’s regulations and bringing them to current. The regulations were distributed at the last meeting for review and discussion at tonight’s meeting.

Mr. Barry provided some of his grammatical corrections and asked what proof the BOH has that an advertisement has been published. Ms. Clement explained that she cuts them out of the newspaper and on occasion the applicant provides this. Mr. Barry requested the advertisements be provided to the members in their packets. Ms. Clement questioned the purpose of this as this is something she ensures is done. Discussion took place on which newspapers the advertisements are published in and Ms. Clement noted that they typically appear in the Town Crier.

Ms. Brothers discussed Page 6, Item D where the language regarding a professional engineers stamp is not required and noted that she feels it should still be a requirement that they be stamped. Ms. Clement explained that she took this language out as it is not being required to be stamped every time as it can be costly. Mr. Barry noted that he feels every applicant should have the same requirements. Ms. Kinnon asked how it is determined who needs the stamp and who

does not and Ms. Clement explained that the town will typically visit the site. Mr. Barry provided an example of if a homeowner did work on their home and obtained a certified plot plan for the work and wanted to do work in the future and asked if they need to obtain another plot plan for the future work. Ms. Kinnon suggested rewording the sentence so that as long as there are no changes to the outside of the property an older plan can be utilized. Ms. Brothers suggested also adding “no change in ownership within that period of time”. Mr. Roux noted that Ms. Clement is well aware of what is required and suggested making it at the discretion of the Health Director. It was the consensus to require a certified plot at the discretion of the Health Director.

Ms. Clement will make the necessary changes and provide an updated copy to the members.

Board Member Reports

Discussion took place on the actions taken to address substance abuse problems and Mr. French commended the group that worked towards this. Mr. Barry noted for the record that the report that Mr. French is discussing is the “Recommendation of the Governor’s Opioid Working Group”, dated June 11, 2015, and can be found at www.mass.gov/stopaddiction.

Ms. Kinnon discussed the work done by Tewksbury Cares in the 1980s on suicide and substance abuse and noted that this was the first group to work with the opioid addiction. Tewksbury now receives a grant to hire a full time person to address substance abuse.

Discussion took place on involvement with schools and education on opioids. Ms. Clement noted that it can be very difficult to get into the schools and Tewksbury has been successful with this.

Mr. Barry noted that the Town of Wilmington has joined with other communities that have increased the sale of tobacco to the age of 21 and suggested the Board also take a look at this while they are reviewing all of the regulations. Mr. Barry explained that if the age was in fact increased, he would also like to find a way to proactively educate people on why the age was increased. Discussion took place on how the members feel about this. Ms. Clement noted that there are also three tobacco shops in town so it would be beneficial to review the regulations.

Ms. Clement noted that she would also like to update the Board on 1699 Shawsheen Street; which is the site of the new tank and provided the members with photographs. Ms. Clement explained that it has been installed and she has done three inspections. They are up and running and reopened on August 18, 2015; which would have been 90 days from December 15, 2015. Ms. Clement explained that this was a conditional approval for one year and she did provide a date, and asked if would like the Board to allow them one year from the decision date. It was the consensus of the members to allow the one year time period.

Other Business:**Announcements:**

Ms. Clement noted that she has been putting some letters in the Senior News letter. In July there was a "Clean out your medicine cabinet" article by the Board of Health and in August there was an article on mosquito activity. In September, the article will be about tics. Ms. Clement explained that she would also like to publish this information in newspapers as well as on the website. Discussion took place on the website training for Chris DiJulio Cook. Mr. Barry will meet with Ms. Cook to see if he can of assistance with the website.

Adjourn

MOTION: Mr. Roux made the motion to adjourn at 7:47 p.m.; seconded by Ms. Brothers and the motion unanimously carried 5-0.

Approved: February 18, 2016